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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2013-229*

12 **MELISSA MARIE CASSARA**

13 **Address of Record:**
14 **211 Godley Street**
Walterboro, SC 29488

ACCUSATION

15 **Additional Address:**
16 **306 Bay Street**
Walterboro, SC 29488

17 **Registered Nurse License No. 443226**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about August 31, 1989, the Board of Registered Nursing ("Board") issued
25 Registered Nurse License Number 443226 to Melissa Marie Cassara ("Respondent"). The
26 Registered Nurse License expired on June 30, 2001, and has not been renewed.
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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Pursuant to Section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. Title 16, Section 1419.3 of the California Code of Regulations defines the period in which a license may be renewed or reinstated:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

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"(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement."

CAUSE FOR DISCIPLINE

(Disciplinary Action by the South Carolina Board of Nursing)

11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4) on the grounds of unprofessional conduct in that Respondent's registered nurse license was disciplined by the South Carolina Board of Nursing ("South Carolina Board"), as follows:

(a) On or about October 21, 2004, Respondent signed a Consent Agreement that the South Carolina Board accepted on or about November 4, 2004. In that Consent Agreement, Respondent admitted to diverting Dilaudid from her employer. Respondent agreed to be an active participant in the Recovering Professional Program ("RPP") for five years.

(b) On or about May 31, 2007, the South Carolina Board temporarily suspended Respondent's registered nurse license due to her failure to comply with the Consent Agreement.

(c) On November 30, 2007, after a hearing, the South Carolina Board issued a Final Order which placed Respondent's registered nurse license on stayed suspension and one year probation with the condition that she continue to participate in the RPP program, amongst other things.

(d) On or about February 23, 2009, Respondent signed a Private Agreement, which the South Carolina Board accepted on May 14, 2009, as the result of consuming an overdose of Ambien due to depression.

(e) On or about May 29, 2009, Respondent was discharged from the RPP program for non-compliance with the requirements of the program when she failed a drug screen and failed to attend recommended treatment.

(f) On or about June 12, 2009, pursuant to the terms of the Final Order and the Private Agreement, the South Carolina Board suspended Respondent's registered nurse license indefinitely.

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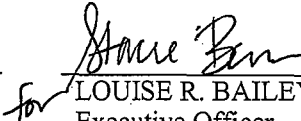
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 443226, issued to Melissa Marie Cassara;
2. Ordering Melissa Marie Cassara to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: OCTOBER 02, 2012


for LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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